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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,525	09/26/2001	Alejandro Schwartzman	CISCP236/4198	3761

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EXAMINER
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SHANNON, MICHAEL R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/965,525

Applicant(s)

SCHWARTZMAN ET AL.

Examiner

Michael R. Shannon

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☒ Claim(s) 2 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                               |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20011231</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Suan et al (USPN 6,724,440), cited by Examiner.

Regarding claim 1, the claimed “method for an operating system to operate a system component, the operating system configurable to drive a plurality of system components” is met as follows:

- The claimed step of “identifying a component” is met by the “plug-and-play” possibility taught, wherein a UTS (Universal tuning Synthesizer) Tuner is used to make tuner design flexible and swappable [col. 3, lines 15-27]. In the plug-and-play of the tuner, the tuner is automatically identified by the system.
- The claimed step of “obtaining parameter information comprising power characteristics of the component from nonvolatile memory” is met by the customized protocol for the tuner setup being stored in memory 24 [col. 4, lines 57-58], and protocol storing information such as band partition,

reference divider, control bytes, and operational control data for the particular tuner design requirements [col. 9, lines 17-23], such as power characteristics.

- The claimed step of “characterizing the component using the parameter information, wherein the characterization allows the operating system to operate the identified component” is met by the software using the tuner design to configure the tuner for operation in the system [col. 3, lines 15-24], such that the tuner can be plug-and-play and work seamlessly within the receiver [col. 10, lines 16-21].

Regarding claim 2, the claimed “method of claim 1, wherein the system is a cable modem” is met by the consumer set top box that acts as the cable modem for receiving information transmitted over the network through the tuner [col. 1, lines 6-9].

Regarding claim 3, the claimed “method of claim 2, wherein the component is a tuner” is met by the interchangeable tuner discussed throughout the application.

Regarding claim 4, the claimed “method of claim 3, wherein operating the component comprises varying RF transmission power” is met by the discussion of the RF amplifier and mixer stages [col. 1, lines 14-24].

Regarding claim 5, the claimed “method of claim 3, wherein parameter information comprises IF output information” is met by the discussion of the IF circuit at the output of the mixer [col. 1, lines 14-24] and the ability to vary the “operational control data for the particular tuner design” [col. 9, lines 17-23].

Art Unit: 2614

Regarding claim 6, the claimed “method of claim 3, wherein parameter information comprises band crossover frequency information” is met by the reference divider [col. 2, line 34], which separates the band partitions in the RF stages such as VHF and UHF [col. 2, lines 60-65 & col. 1, lines 14-24].

Regarding claim 7, the claimed “method of claim 3, wherein parameter information comprises IF AGC Gain Threshold information” is met by the discussion of the IF circuit at the output of the mixer [col. 1, lines 14-24] and the ability to vary the “operational control data for the particular tuner design” [col. 9, lines 17-23].

Regarding claim 8, the claimed “method of claim 3, wherein parameter information comprises RF AGC Gain Threshold information” is met by the discussion of the RF amplifier and mixer stages [col. 1, lines 14-24] and the ability to vary the “operational control data for the particular tuner design” [col. 9, lines 17-23].

Regarding claim 9, the claimed “method of claim 3, wherein parameter information comprises component address information” is met by address bytes being transferred to the tuner for configuration [col. 2, lines 49-65].

Regarding claim 10, see the above rejection to claim 1.

Regarding claim 11, see the above rejection to claims 2 and 3.

Regarding claims 12-17, see the above rejections to claims 4-9, respectively.

Regarding claims 18-26, see the above rejections to claims 1-9, respectively.

Regarding claim 27, see the above rejections to claims 1-3.

Regarding claim 28, the claimed "method of claim 27, wherein the nonvolatile memory is flash memory", is, again, met by the customized protocol being stored in the memory 24 [col. 4, lines 57-58].

Regarding claim 29, see the above rejections to claims 2 and 3.

Regarding claims 30-32, see the above rejections to claims 27-29.

Regarding claims 33-35, see the above rejections to claims 27-29.

Regarding claim 36, see the above rejection to claim 5.

Regarding claim 37, see the above rejection to claim 6.

Regarding claim 38, see the above rejection to claim 7.

Regarding claim 39, see the above rejection to claim 9.

Regarding claim 40, see the above rejection to claim 4.

### ***Claim Objections***

3. Claims 2 and 19 are objected to because of the following informalities: Both claims contain the language, "wherein the system is a cable modem", in which "system" lacks antecedent basis in the claims. Appropriate correction is required.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2614

- a. Burns et al (USPN 6,662,135) discloses a system for performing power-on self-tests (POST), which provide a way of configuring cable modems in a network at power-on.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

**Any response to this action should be mailed to:**

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator, etc.) as follows:

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Art Unit: 2614

Page 7

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**Or faxed to: (571) 273-8300**

**Hand-delivered responses should be brought to:**

Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael R Shannon  
Examiner  
Art Unit 2614

Michael R Shannon  
December 8, 2005

  
**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**